

WASHINGTON STATE BOARD OF OPTOMETRY

MINUTES OF MEETING

A meeting of the Washington State Board of Optometry was called to order at 9:00 a.m., on March 14, 2003, by R. Richard Ryan, Jr., O.D., Chair. The meeting was held in the Laguardia Room of the Holiday Inn Sea Tac, 17338 International Boulevard, Sea Tac, Washington.

BOARD MEMBERS PRESENT: R. Richard Ryan, O.D., Chair
Lund Chin, O.D.
Bernice Hoptowit, Public Member
Thomas Riley, O.D.
Jeffrey Sutro, O.D.
Ben Wong, Jr., O.D.

STAFF PRESENT: Donald Williams, Executive Director
Marc Defreyn, Assistant Attorney General
Judy Haenke, Program Manager
Melissa Quirke, Administrative Assistant

OTHERS PRESENT: Diane Charles, Optician Association of Washington
Sherri Egashira, Optometric Physicians of Washington

ORDER OF AGENDA

1. Review of Licensing Applications

The Board reviewed and approved two applications for reinstatement of licensure following lapse of license, and two applications for credentialing by endorsement.

2. Disciplinary Case Review

The following cases were considered by the Board:

<u>CASE NUMBER</u>	<u>DISPOSITION</u>
2002-03-0001OD	Statement of Charges
2002-08-0001OD	Close case below threshold and refer to optician program
2003-02-0001OD	Refer for investigation
2003-03-0001OD	Refer for investigation
2003-03-0002OD	Refer for investigation

OPEN SESSION:

3. Call to Order

3.1 Approval of Agenda

The agenda was approved with the following addition:

Following Item 9, add a discussion of the Open Public Meetings Act by Marc Defreyn, Assistant Attorney General.

3.2 Approval of Minutes of December 5, 2002, Meeting

The minutes were approved as written

4. National Contact Lens Enforcement Petition

The Board has been asked to support a petition regarding dispensing of contact lenses without a valid prescription. The petition asks the FDA to take action to regulate interstate sales of contact lenses.

Following discussion, the Board agreed that it lacked authority to sign the petition as a body. However, individual Board members may sign outside of their Board positions.

Staff will send a letter to Dr. Milburn advising of the Board's position.

**5. Possible Rule Making: WAC 246-851-160 – Credit for reports; and
WAC 246-851-170 Credit for preprogrammed educational materials.**

The Board facilitated a discussion of these rules which allow for written reports on professional journals and courses offered electronically and through correspondence. The purpose of the discussion was to determine if the rules should be amended to adjust the number of hours that are available through these methods and to clarify the different methods available within the categories.

Following discussion, the Board requested that draft amendments be prepared for review and continued discussion at the June 13, 2003, meeting.

6. Review of Interpretive Statement request

The Board continued its discussion of corneal reshaping with contact lenses to correct low and moderate myopia. The discussion is in response to a request for an interpretive statement whether a system of corneal reshaping with contact lenses developed by Paragon is within the scope of practice of dispensing opticians.

An interpretive statement is a written expression of the opinion of an agency as to the meaning of a statute or other provision of law including interpretive or practice guidelines and any other written statement that reflects an interpretation of scope of practice.

This discussion is continued from the December 2002, meeting in order for the Board to obtain and review additional information regarding this procedure.

After considering the available information, the Board responded that the corneal reshaping system developed by Paragon, referenced in the request for interpretive statement, requires more than incidental revision during the fitting period and that the revisions would alter the effect of the written prescription. RCW 18.195.020(3) of the Consumer Access to Vision Care Act, provides that the revision may not alter the effect of the written prescription. Based on the statute, the Paragon system for corneal reshaping to correct myopia would be outside the scope of practice for opticians.

7. Executive Director Report

Donald Williams, Executive Director, provided an update to the Board regarding the recent relocation of Department of Health staff to new offices in Tumwater, Washington. Eventually, nearly all of the Department of Health will be located at or near the Tumwater location. The building includes facilities to hold regular Board meetings and disciplinary hearings.

8. Update on Legislation

Mr. Williams provided an update on Senate Bill 5226 and House Bill 1164. These companion bills which are currently being heard by the 2003 Legislature would allow qualified licensees to prescribe oral medications for diagnostic and therapeutic purposes.

9. Board/Commission Protocols

The Board reviewed the Protocols which were provided for the Board's information. The Protocols reiterate expectations, goals and objectives of the Board as a whole and of the individual members.

LUNCH 12:00 P.M. TO 1:00 P.M.

10. Open Public Meetings Act

Marc Defreyn, Assistant Attorney General Advisor, addressed the Board regarding e-mail communications among Board members in light of the Open Public Meetings Act, Chapter 42.30 RCW. Mr. Defreyn discussed when an exchange of e-mails can constitute a meeting if the e-mails appear to consist of "action" and if e-mail constitutes a meeting then the meeting must be open to the public.

11. Seminar 2003

The Board finalized arrangements for the annual post-graduate seminar to be held the two days preceding this meeting.

12. Survey Results

The Board reviewed and discussed the results of the Post-Graduate Education Survey. The purpose of the survey was to analyze the benefit and need of the annual Board sponsored seminar.

Following discussion, the Board agreed to continue to facilitate the annual program, but to review the issue each year with an eye on the budget.

13. Report on Boards, Commissions, and Committees Conference October 3, 2002

At the October 2002, Board Conference, a discussion was held regarding the pros and cons of increasing the number of public members on boards and commissions.

This item is continued from the December 2002, meeting to allow the Board's public member, Bernice Hoptowit to be present for the discussion.

Following discussion, the Board agreed that it could see the advantages of increased public member representation, had no objections and supported the concept.

14. Continuing Education Courses

The following course was approved.

"Spring Ophthalmology Update" Presented by Spokane Eye Clinic on March 29, 2003, in Spokane, Washington. Approved for 4 hours.

"Dry Eye and Billing for Punctal Occlusion: "a lecture by Dale Tosland." submitted by Pacific Cataract and Laser Institute, presented on December 10, 2002 in Olympia, Washington. Approved for 2 hours.

"Glaucoma: To Treat or Not To Treat", "Neuroprotection in Glaucoma" lectures by Gordon Johns, M.D. and "Surgical Glaucoma" a lecture by Paul Chung, M.D., course submitted by Pacific Cataract and Laser Institute, filmed on January 24, , 2002, in Bellevue, Washington. Course approved for 2 hours.

"Pre and Post Operative Care of the Cataract Patient" a lecture by Robert Gibbs, O.D. and Jim Guzek, M.D., course submitted by Pacific Cataract and Laser Institute, presented on January 29, 2003, in Yakima, Washington. Course approved for two hours.

"Neuro Grand Rounds" a lecture by Shauan Combs, O.D., Dave Stanfield, O.D., and Ben Stoebner, O.D., course submitted by Pacific Cataract and Laser Institute, presented on January 16, 2003, in Kelso, Washington. Course approved for 2 hours.

"Cataractogenesis: Can We Prevent Cataracts?" a COPE approved lecture by Cindy Murrill, O.D. and Maynard Pohl, O.D., submitted by Pacific Cataract and Laser Institute, presented on January 7, 2003, in Tacoma, Washington. Course approved for 2 hours.

"Innovations in Successful Soft Lens Prescribing" a lecture by Mark P. Andre. Presented on January 15, 2003, in Kennewick, Washington, by Pacific Cataract and Laser Institute, approved for 1.5 hours.

"VISION EXPO 2003". Presented on March 20-23, 2002, in New York, New York, all COPE and Post-Graduate Level courses approved as submitted.

"Midwest Vision Congress and Expo", presented on May 15-19, 2003, in Rosemont, Illinois, all COPE and Post-Graduate Level courses approved as submitted.

"Ocular Drug and Surgical Therapy Update," presented on February 15-16, 2003, in Dana Point, California, submitted by David Kordish, O.D, course approved for 13 hours.

"Heart of America Contact Lens Society" presented on February 14-16, 2003, in Bellevue, Washington, submitted by Kurt Finklang, O.D. All COPE and Post-Graduate Level courses approved as submitted.

2 reports submitted by Chester Bury, O.D. 2 credit hours were approved as set forth in WAC 246-851-160.

Reports submitted by Gary Strand, O.D. 10 credit hours were approved, the maximum allowed per WAC 246-851-160.

14.2 Designation of reviewer through June 2003

Thomas Riley, O.D. agreed to continue as reviewer of continuing education courses through June 13, 2003.

15. Budget Report

The Board reviewed revenue and expenditures for the month ending January 2003.

16. Board Newsletter

Richard Ryan, O.D., Chair, advised the Board that he would be contacting members to assign articles for a future newsletter.

17. Board meeting dates

The September meeting date has been changed to September 26, 2003.

ADJOURNMENT

The meeting was adjourned at 3:35 p.m.

Respectively submitted: _____
Judy Haenke, Program Manager

Approved: _____
R. Richard Ryan, Jr., O.D., Chair